

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

PERICE L. LADD,

Plaintiff,

vs.

JEFFERSON COUNTY JAIL,

Defendant.

Case No. 18-cv-2196-JPG

MEMORANDUM AND ORDER

GILBERT, District Judge:

On January 23, 2019, Plaintiff's Motion for Leave to Proceed *in forma pauperis* ("IFP") was granted, and Plaintiff was ordered to pay an initial partial filing fee of \$3.32 for this action no later than February 6, 2019 (Doc. 9). Plaintiff was also ordered to pay the remaining balance of the \$350 filing fee (\$346.68) or file an updated motion for leave to proceed IFP by that same date (Doc. 9). Plaintiff was clearly warned in that Order that failure to do so would result in dismissal of this case. The date to comply has passed, and Plaintiff has failed to do so. No payments have been received in this case, and an updated motion for leave to proceed IFP has not been filed. The Court will not allow this matter to linger indefinitely. Accordingly, this action is **DISMISSED** without prejudice for Plaintiff's failure to comply with an Order of this Court. *See* FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

This dismissal shall **NOT** count as one of Plaintiff's three allotted "strikes" under 28 U.S.C. § 1915(g). Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee of \$350 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). The Clerk's Office is **DIRECTED** to close this case and enter judgment.

IT IS SO ORDERED.

DATED: February 19, 2019

s/J. Phil Gilbert
United States District Judge